

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VA
RICHMOND DIVISION

IN RE:
MIKE SABRI DANIEL AKA MOHAMED S.
DANIEL AKA MOHANED S. DANIEL
and
NATALY NAJIB DANIEL
Debtor(s)

SUNTRUST MORTGAGE, INC.
Movant/Secured Creditor,
v.

BCN#: 08-32942\DOT
Chapter: 13

MIKE SABRI DANIEL AKA MOHAMED S.
DANIEL AKA MOHANED S. DANIEL
and
NATALY NAJIB DANIEL
Debtor(s)
And

CONSENT ORDER

ROBERT HYMAN
Trustee
Respondents

Whereas, the parties are in agreement;

IT IS ORDERED that the Automatic Stay of 11 U.S.C. §362(a) is hereby terminated so as to permit the Movant to commence foreclosure proceedings in accordance with applicable state law and pursuant to the terms of the deed of trust securing the Movant as to the real property designated as 9532 PINE TRAILS COURT, Richmond, VA 23294.

IT IS FURTHER ORDERED that the Movant shall forbear from exercising any rights to
Trenita Jackson-Stewart, VSB# 48412
Shapiro & Burson, LLP
236 Clearfield Avenue, Suite 215
Virginia Beach, VA 23462
757-687-8777
08-133727D

foreclosure under applicable law as to the subject real property provided that, and so long as, the Debtor performs under the note and security instrument and complies with the following terms and conditions of this Order.

IT IS FURTHER ORDERED that the Debtor(s) shall cure post-petition arrears of \$9,714.08, that includes payments from July 1, 2008 to October 1, 2008 in the amount of \$2,211.13 each, late charges from July 15, 2008 through October 15, 2008 in the amount of \$92.39 each, attorney fees in the amount of \$350.00, filing fees in the amount of \$150.00,

IT IS FURTHER ORDERED AND AGREED that the Debtor(s) shall place arrears of \$9,714.08 into an amended plan to be filed within ten (10) days of entry of this order. Regular monthly payments are to resume with the payment due on November 1, 2008.

IT IS FURTHER ORDERED AND AGREED that the Movant, upon receipt of the aforesaid amended plan, shall be allowed to file an amended proof of claim reflecting both the pre-petition and post –petition arrears to be paid pursuant to this consent order.

IT IS FURTHER ORDERED AND AGREED that should the Debtor(s) default for a period of thirty days in making future monthly, post-petition payments commencing with the payment due November 1, 2008 or if any payments which have been acknowledged in the calculation of the mortgage arrears in this Order, but which subsequently are determined to be non-negotiable for any reason, upon the filing of a Notice of Secured Creditor's Right to Commence Foreclosure the Movant shall be free to proceed in accordance with State Law and its deed of trust to foreclose upon its security interest with regard to the property with an address of 9532 PINE TRAILS COURT, Richmond, VA 23294, and more particularly described in the Deed of Trust dated November 27, 2006 and recorded , among the land records of the said city/county, as:

LOT 39, BLOCK C, SECTION B, ANDOVER HILLS, COUNTY OF
HENRICO, VIRGINIA

IT IS FURTHER ORDERED AND AGREED that should the instant case be converted for any reason to a case under any other chapter of the bankruptcy code, or dismissed or discharged, the Movant may immediately be free to exercise all rights provided by the security instrument as the forbearance provisions of this Order shall terminate upon conversion, dismissal or discharge. Relief granted under the terms of this Order shall also survive any subsequent conversion by the Debtor(s) to a case under any other chapter of the bankruptcy code.

IT IS FURTHER ORDERED AND AGREED that subsequent to any foreclosure sale of the subject property conducted by Movant, or its successors or assigns, the Secured Creditor may take all lawful actions to take possession of the Subject Property.

IT IS FURTHER ORDERED AND AGREED that upon filing of a third Notice of Default or Notice of Secured Creditor's Right to Commence Foreclosure, F.R.B.P. 4001(a)(3) is not applicable in this instant case and SUNTRUST MORTGAGE, INC. may immediately enforce the provisions of this Order.

IT IS FURTHER ORDERED AND AGREED that upon the filing of Notice of Secured Creditor's Right to Commence Foreclosure or a third Notice of Default, the Trustee will be relieved from the obligation of making any further payments upon any secured claim filed by SUNTRUST MORTGAGE, INC.

Date:_____

By the Court:

The Honorable Judge Douglas O. Tice
UNITED STATES BANKRUPTCY JUDGE

Notice of Judgment or
Order Entered on Docket: _____

I ask for this:

/S/ TRENITA JACKSON STEWART

TRENITA JACKSON STEWART, Counsel for Movant

Seen; Agreed:

/S/ SUZANNE WADE

SUZANNE WADE Counsel for Debtor

Copies of this order are to be sent to:

SHAPIRO & BURSON, LLP
236 CLEARFIELD AVENUE, SUITE 215
VIRGINIA BEACH, VA 23462

SUZANNE WADE
P.O. BOX 11588
RICHMOND, VA 23230

ROBERT E HYMAN
P.O. BOX 1780
RICHMOND, VA 23218

MIKE SABRI AND NATALY NAJIB DANIEL
9532 PINE TRAILS COURT
Richmond, VA 23294

I certify that this proposed Order has been endorsed by all necessary parties.

/S/ TRENITA JACKSON STEWART

TRENITASTEWART, Counsel for Movant